

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4763 of 2007

Date: 16.03.2007

Between:

A.L.Agricare.

....Petitioner

And

The State of Andhra Pradesh, Rep., by its Secretary, Dept. of Agriculture, Secretariat Building, Saifabad, Hyderabad and others.
....Respondents

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ORDER:

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Petitioner is a partnership firm. It has developed Organic Fertilizers called 'Humic Acid' and 'Fulvic Acid', for being used by the farmers. It submitted an application before the Assistant Director of Agriculture, third respondent herein, for grant of marketing permission, under the Fertilizer Control Order, 1985 (for short 'the Order'). The application was considered; and on an analysis of the products, the third respondent issued proceedings, dated 22.02.2007, stating that the said products are not governed by the provisions of the Order and accordingly, rejected the application. The complaint of the petitioner is that even after such rejection, the respondents are trying to interfere with the business and trade in the said products.

Heard the learned counsel for the petitioner and the learned Government Pleader for Agriculture.

As late as on 22.02.2007, the third respondent informed the petitioner that their products are not governed by the provisions of the Order. No specific instances of interference in the business activity of the petitioner are cited. Be that as it may, once the third respondent himself took the view that the products, being dealt with by the petitioner, are not governed by the provisions of the Order, the respondents cannot take any steps to regulate the trade therein. At the same time, the right of the respondents to inspect the premises, to verify whether any products governed by the provisions of the Order, are being dealt with by the petitioner, duly taking samples thereof, cannot be restricted.

For the foregoing reasons, the Writ petition is disposed of, directing that-

- a) The respondents shall not interfere with the business and trade of the petitioner in 'Humic Acid' and 'Fulvic Acid';
- b) It shall be open to the respondents to inspect the premises, to verify whether any other products governed by the provisions of the Order are being dealt with; and
- c) Any action that the respondents proposed against the petitioner shall be preceded by

show cause notice and other steps, in
accordance with the prescribed procedure.

There shall be no order as to costs.

16.03.2007

Note: Issue C.C. in one week.

(B/o)

JSU